S.B.CIVIL WRIT PETITION NO.134/2006

LRs. Of Late Smt. Ganpati Devi
v.
State of Rajasthan & ors.

Date of Order :: 24th September, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Sajjan Singh, for the petitioner.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

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The Board of Revenue for Rajasthan, Ajmer by order dated 11.5.2004 while accepting an appeal preferred by the respondents set aside the judgment and decree dated 6.5.1997 passed by the Assistant Collector, Mount Abu as affirmed by Revenue Appellate Authority, Sirohi vide judgment dated 27.1.1998.

While giving challenge to the order aforesaid, contention of counsel for the petitioner is that the Board erred materially while accepting the appeal with a direction to the trial court to decide the issue relating to the limitation that was not pressed before the Assistant Collector.

I do not find any substance in the contention so raised. The Board of Revenue after considering all the facts available on record reached at the conclusion that the petitioner raised the issue with regard to payment of compensation after lapse of

25 years and the trial court without examining that awarded the compensation. The Board of Revenue also found that a specific issue was framed relating to limitation and that was required to be decided.

I do not find any error in the order impugned. The Board of Revenue has remanded the matter to the trial court to give findings on certain issues and while doing so the Board of Revenue neither travelled beyond the jurisdiction nor failed to exercise jurisdiction vested with it, as such the order impugned does not warrant any interference of this Court under Article 227 of the Constitution of India.

Accordingly, the writ petition is dismissed, however, looking to the fact that this matter relates to payment of compensation against land acquisition that took place more than four decades earlier, it is expected from the trial court to decide the suit expeditiously.

(GOVIND MATHUR),J.

Kkm/ps.